

### **REMARKS**

The present amendment is in response to the Final Office Action mailed , 2002, in which Claims 2 through 5, 7 through 11, 13 through 16, and 31 through 34 were rejected. Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the reference cited therein. The following remarks are believed to be fully responsive to the Office Action and, when coupled with the amendments made herein, are believed to render all claims at issue patentable distinguishable over the cited references.

Claims 2 and 7 are amended herein. Claims 1 and 13 through 16 are cancelled. No claims are added. Accordingly, Claims 2 through 5, 7 through 11, and 31 through 34 remain pending.

All the changes are made for clarification and are based on the application and drawings as originally filed. It is respectfully submitted that no new matter is added.

Applicants respectfully request reconsideration in light of the above amendments and the following remarks.

### **TERMINAL DISCLAIMER**

The Examiner stated that Applicants' previously-submitted terminal disclaimer was insufficient due to Applicants' failure to pay the requisite fee.

Applicants apologize for this oversight. Applicants have cancelled Claims 1 and 13 through 16 herein thus rendering moot the requirement for a Terminal Disclaimer.

#### **CLAIM REJECTIONS – 35 U.S.C. SECTION 102(e)**

The Examiner rejected Claims 2 through 5, 7 through 11, 13 through 16, and 31 through 34 under 35 U.S.C. Section 102(e) as being anticipated by Yazaki.

Applicants respectfully traverse this rejection.

With respect to independent Claims 2 and 7, Applicants have amended these claims so as to further distinguish them from Yazaki. Yazaki teaches nothing about the application of a pH-sensitive material to the upper surface of an article for wearing by a pregnant woman. In addition, Yazaki teaches nothing about a pH-sensitive material that is non-irritating to the wearer.

With respect to Claims 13 through 16, these claims have been cancelled herein.

With respect to independent Claim 31, this claim specifies the steps of:

*applying to a surface which is suspected to have amniotic fluid a pH-sensitive material capable of responding by way of a visible change to the presence of a fluid having a pH in the range of amniotic fluid, said pH-sensitive material being selected from the group consisting of a solid, a liquid, and a gel, and said pH-sensitive material being non-irritating to the woman.*

Yazaki teaches nothing about such a method.

Accordingly, Applicants respectfully request that the Examiner's rejections under 35 U.S.C. Section 102(e) be reconsidered and withdrawn.

#### **MARKED-UP CHANGES**

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached paper is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE.**"

#### **ENTRY OF AMENDMENT AFTER FINAL**

It is respectfully submitted that the present amendment should be entered in accordance with the provisions of 37 I.E. Section 1.116 on the grounds that: (1) The claims as now presented are in better form for appeal purposes, if necessary; (2) no new issues have been raised; (3) and, moreover, the present amendment is believed to place the application in condition for allowance.

#### **CONCLUSION**

In light of the above amendments and remarks, Applicants respectfully submit that all pending claims as currently presented are in condition for allowance. If, for any reason, the Examiner disagrees, please call the

undersigned attorney at 202-624-3947 in an effort to resolve any matter still outstanding *before* issuing another action. The undersigned attorney is confident that any issue which might remain can readily be worked out by telephone.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**(USSN 09/758,978)**

**IN THE CLAIMS:**

*Claims 1 and 13 through 16 have been cancelled by the present amendment.*

*Claims 2 and 7 have been amended as follows:*

2. (Twice amended) A method for use by a pregnant woman for identifying the premature rupture of a membrane during pregnancy, the method comprising the sequential steps of:

forming an article for wearing [substantially adjacent] in the crotch of the pregnant woman, said article including an upper layer, said upper layer being in contact with the crotch of the pregnant woman;

applying to said upper layer of said article a pH-sensitive material capable of responding by way of a visible change to the presence of a fluid with a pH in the range of amniotic fluid, said pH-sensitive material being non-irritating to the woman and having a readily applicable form, said form being selected from the group consisting of liquid drops, atomized spray, aerosol liquid, powder, gel, and a solid;

wearing said article for a period of time; and

visualizing said pH-sensitive material for a visible change.

7. (Twice amended) A method for use by a pregnant woman for identifying the premature rupture of a membrane during pregnancy, the method comprising the sequential steps of:

forming an article for wearing [substantially adjacent] in the crotch of the pregnant woman, said article including an upper layer, said upper layer being in contact with the crotch of the pregnant woman;

wearing said article for a period of time;

applying to said article a pH-sensitive material capable of responding by way of a visible change to the presence of a fluid with a pH in the range of amniotic fluid, said pH-sensitive material being non-irritating to the woman; and visualizing said pH-sensitive material for a visible change.